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22879 7590 01/02/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER SALL, EL HADJI MALICK	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**MAILED**

Application Number: 09/977,497  
Filing Date: October 16, 2001  
Appellant(s): LOW ET AL.

~~JAN 02~~ 2007

Technology Center 2100

Randy A. Noranbrock (42,940)  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 02/22/07 appealing from the Office action mailed 09/25/06.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,611,501	Owen	8-2003
6,385,646	Brown	05-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**1. *Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1- 3, 7-10 and 12-15 are rejected under 35 U.S.C. 102(e) as being unpatentable over Owen et al. U.S. 6,611,501.

Owen teaches the invention as claimed including process management system (see abstract).

As to claims 1 and 17, Owen teaches a service system comprising:

A session entity for establishing communication sessions and controlling the joining of endpoint entities to each such session (column 12, lines 4-6);

A transport entity for establishing a transport mechanism for each session established by the session entity, the transport mechanism allowing the exchange of data across a network between endpoint entities joined to the session (figure 2, item 901);

request-reception means operative to receive a request from a first endpoint entity already joined to a session and constituted by a party having an endpoint system connected to the network, the request serving to request the presence of an assistant

entity in the session and directly or indirectly indicating the identity of the existing communication session (column 12, lines 9-15); and

assistant-selection means responsive to the receipt of a said request by the request-reception means to select an appropriate assistant entity from a group of possible assistant entities taking account of the context of the existing communication session, the assistant-selection means being operative to cause the session entity to join the selected assistant entity to the session (column 12, lines 4-15, Owen discloses each user has a user agent 107 representing and acting on behalf of the user. An “appropriate” user agent receives requests from users to establish service sessions; column 13, lines 15-20; column 27, lines 11-12).

As to claims 2 and 18, Owen teaches a method and a service system according to claims 1 and 17, wherein the assistant entity is a customer service representative and associated endpoint system (figure 5).

As to claims 3 and 19, Owen teaches a method and a service system according to claims 1 and 17, wherein the assistant entity is a software-based entity with an associated knowledge base (column 5, lines 59-62).

As to claims 7, 14 and 15, Owen teaches a method according to claims 1 and 7, wherein the service system, in setting up a communication session, creates a service-session functional entity which in the course of joining a said endpoint entity

to the session, sends connection details of the transport mechanism associated with the communication session to the endpoint entity or its proxy, that endpoint entity or its proxy then using the connection details to connect itself to the transport mechanism (column 11, lines 22-23; column 12, lines 4-15).

As to claims 8 and 9, Owen teaches a method according to any one of claims 7 and 1, wherein the service system, in setting up a communication session, creates a service-session functional entity that comprises a session instance with generic behaviour for adding and removing endpoint entities to the communication session and for recording the endpoint entities currently joined to the communication session, and an associated service instance with service-specific behaviour determining when the session instance is to add and remove endpoint entities (column 10, line 66 to column 11, line 3; column 11, lines 22-23; column 12, lines 6-7).

As to claim 10, Owen teaches a method according to claim 1, wherein the transport mechanism associated with a communication session provides multiple data transfer channels, for different media types, between endpoint entities joined to the communication session (column 10, lines 34-38; figure 3).

As to claim 12, Owen teaches a method according to claim 7, wherein the transport mechanism associated with a communication session provides multiple data

transfer channels, for different media types between endpoint entities joined to the communication session, the connection details passed to a said endpoint entity or its proxy comprising details of the media channels associated with the communication session, and the endpoint entity or its proxy using these details to establish corresponding media channel connections to the transport mechanism (column 10, lines 34-38; figure 3).

As to claim 13, Owen teaches a method according to claim 7, wherein the state of connection of a said endpoint entity to the transport mechanism is signalled to the session-service functional entity by leg messages passed between a leg controller of the endpoint entity or its proxy and a corresponding leg controller of the service-session functional entity (column 10, lines 23-32).

**3. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.



4. Claims 4-6, 11, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owen et al. U.S. 6,611,501 in view of Brown et al. U.S. 6,385,646.

Owen teaches the invention as claimed including process management system (see abstract).

As to claim 4, Owen teaches a method according to claim 1.

Owen fails to teach explicitly wherein the data network is the internet, and the existing session has multiple parties connected to it through web browser functionality of associated endpoint systems, the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session.

However, Brown teaches method and system for establishing voice communications in an Internet environment. Brown teaches the data network is the internet, and the existing session has multiple parties connected to it through web browser functionality of associated endpoint systems, the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session (column 9, lines 5-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen in view of Brown to provide the existing session has

multiple parties connected to it through web browser functionality of associated endpoint systems, the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session. One would be motivated to do so to allow a combined marketing approach using the Web and call centers (abstract).

As to claims 5 and 6, Owen teaches a method according to claims 4 and 1.

Owen fails to teach explicitly the context of the existing communication session comprises the subject of a web page currently being jointly browsed by the parties joined to the session service; and wherein in step (a) the first party uses an active feature of a web page served by the service system to request that a assistant entity join the session.

However, Brown teaches the context of the existing communication session comprises the subject of a web page currently being jointly browsed by the parties joined to the session service; and wherein in step (a) the first party uses an active feature of a web page served by the service system to request that a assistant entity join the session (column 3, lines 61-65; column 14, lines 37-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen in view of Brown to provide the context of the existing communication session comprises the subject of a web page currently being jointly browsed by the parties joined to the session service; and wherein in step (a) the first party uses an active feature of a web page served by the service system to request

that a assistant entity join the session. One would be motivated to do so to allow the interactive between the customer and the agent be done quickly and efficiently.

As to claim 11, Owen teaches a method according to claim 10, wherein the endpoint entities include transport mechanism provides channels for packetized voice (column 9, lines 28-31).

Bentley fails to teach explicitly wherein the endpoint entities include web browser functionality and the service system provides functionality follow-me page-push.

However, Brown teaches the endpoint entities include web browser functionality and the service system provides functionality follow-me page-push (column 7, lines 34-39, Brown discloses an example of transmitting information from agent to user involves a "page-push" operation, where the call center agent presents information in the form of a Web page to the user's Web browser).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen in view of Brown to provide wherein the endpoint entities include web browser functionality and the service system provides functionality, and the transport mechanism provides channels, for at least two of the following: text chat; follow-me page-push; packetized voice. One would be motivated to do so to allow a combined marketing approach using the Web and call centers (abstract).

As to claim 16, Owen teaches a method according to claim 15.

Owen fails to teach the connection details and functionality are sent in association with a web page served by the service system.

However, Brown teaches the connection details and functionality are sent in association with a web page served by the service system (column 3, lines 61-65, Brown teaches When an Internet user clicks a button to connect to an agent, a call is connected from the agent to the user and the agent can view the Web page that a user is viewing (as well as account data and information about the user's prior interaction with the Web page); column 14, lines 37-40, Brown discloses based on the whisper code, sending an audio message to the call center, the audio message relating to at least one of an identity of the user and details of the interactive communication session).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen in view of Brown to provide the connection details and functionality are sent in association with a web page served by the service system. One would be motivated to do so to allow calls to be routed to selected call centers.

As to claim 20, Owen teaches a service system according to claim 17.

Bentley fails to teach the network is the Internet and the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session.

However, Brown teaches the network is the Internet and the service system providing follow-me page-push functionality to the party endpoint systems whereby to

enable co-browsing by the parties joined to the session (column 9, lines 5-9; column 7, lines 34-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Owen in view of Brown to provide the service system providing follow-me page-push functionality to the party endpoint systems whereby to enable co-browsing by the parties joined to the session. One would be motivated to do so to allow a combined marketing approach using the Web and call centers (abstract).

#### **(10) Response to Argument**

Applicant's arguments filed 02/22/07 have been fully considered but they are not persuasive.

(A) Appellants argue that Owen fails to disclose "selecting, by the service system, an appropriate assistant entity...taking account of context data concerning an existing session.

In regards to point (A), examiner respectfully disagrees.

Column 27, lines 11-12, Owen discloses a User Agent Manager (i.e. "assistant selection means") sending a message on to the relevant User Agent via its customer object (i.e. "selecting an appropriate assistant entity"), which creates a Term session object, identified by the Terminal Agent which sent the message and the name of the station being used. Owen explicitly discloses the assistant-selection means or the User Agent Manager "taking account of the context of the existing communication session.

(B) Appellants argue that User Agent Manager fails to select appropriate assistant entity.

In regards to point (B), examiner respectfully disagrees.

Column 27, lines 11-12, Owen discloses a User Agent Manager sending a message on to the relevant User Agent via its customer object. The User Agent Manager explicitly teaches selecting "appropriate assistant entity".

(C) Appellants argue that User Agent is not an assistant entity.

In regards to point (C), examiner respectfully disagrees.

Column 27, lines 11-12, Owen discloses a User Agent Manager sending a message on to the relevant User Agent via its customer object. The User Agent is "an assistant entity". Furthermore, Appellants define "assistant entity" in paragraph [0013] as "a customer service representative and associated endpoint system; however, the assistant entity may also be a software automaton". Both User Agent and assistant entity have the same functionality.

(D) Appellants argue that UAM fails to take account of context data.

In regards to point (D), examiner respectfully disagrees.

Column 27, lines 11-15, Owen discloses a User Agent Manager sending a message on to the relevant User Agent via its customer object, which creates a Term session object, identified by the Terminal Agent which sent the message and the name

of the station being used. Therefore, Owen explicitly discloses the assistant-selection means or the User Agent Manager "taking account of the context data".

(E) Appellants argues that Owen fails to join an assistant entity to an existing session.

In regards to point (E), examiner respectfully disagrees.

Column 12, lines 4-6, Owen discloses a user agent joining an existing service session.

(F) Appellants argues that the User Agent Manager (UAM) is not an assistant-selection means as claimed in claim 17.

In regards to point (F), examiner respectfully disagrees.

Column 27, lines 11-12, Owen discloses a User Agent Manager (i.e. "assistant selection means") sending a message on to the relevant User Agent via its customer object (i.e. "selecting an appropriate assistant entity").

(G) Appellants argues that there is no basis for "inherency" assertion.

In regards to point (G), examiner respectfully disagrees.

Examiner did not use "inherency" in the legal context; instead, Examiner was explaining how the reference works.

(H) Appellants argues that they fail to understand the leap from the Official Action of February 23, 2007 wherein the PTO asserted the following: column 12, lines

4-15, Owen discloses each user has a user agent 107 representing and acting on behalf of the user. An "appropriate" user agent receives requests from users to establish service sessions; abstract to the present FOA wherein the PTO now asserts: Column 27, lines 11-12, Owen discloses a User Agent Manager sending a message on to the relevant User Agent via its customer object. Examiner construes the assistant-selection means as the User Agent Manager.

In regards to point (H), examiner respectfully disagrees.

In response to the above arguments, Examiner is referring Appellants to column 12, lines 4-15 and column 27, lines 11-12. These columns and lines clearly teaches the limitations where they are intended to address. In addition, Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

(I) Appellants argue that Owen et al. and Brown et al. Do Not Anticipate Claims 4-6, 11, 16 and 20, and claims 4-6, 11, 16 and 20 are patentable over Owen for at least the reasons advanced above with respect to claims 1 and 17, respectively, as described above.



In regards to point (I), examiner respectfully disagrees.

The Examiner kindly submits that the applicant(s) misread the applied references used in the rejection. Actually, applicants are interpreting the claims very narrow by considering the broad teaching of the references used in the rejection. The aforementioned assertion wherein claims 4-6, 11, 16 and 20 are patentable over Owen for at least the reasons advanced above with respect to claims 1 and 17, respectively, as described above, as applicants have described in their specification and as affirmatively claimed with the present active claims as recited above, was unsupported by objective factual evidence and was not found to be of substantial evidential value. For this assertion to have merit, it is important to applicants to provide some forms of evidence that convincingly show that Examiner's references do not meet the claims language. Furthermore, Applicants are reminded that 37 CFR 1.111(b) states, "a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirement of this section". Thus, applicants' assertions are just mere allegation with no supported fact by failing to specifically point out how the language of the claims patentably distinguished them from the cited references. Applicants are reminded that the Examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the Examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is

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justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969). Hence the 35 U.S.C 102 is hereby sustained.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

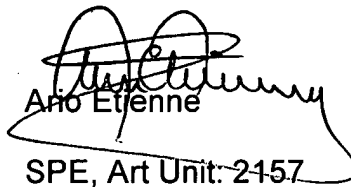
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees: El Hadji Sall  
Art Unit: 2157



Lynne H. Browne  
Appeal Practice Specialist, TQAS  
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